

Report of HEAD OF HOUSING PARTNERSHIPS

Report to DIRECTOR OF ENVIRONMENT AND HOUSING

Date: **October 2014**

Subject: HOUSING ACT 1985

PROPOSED COMPULSORY PURCHASE ORDER

1 NOWELL MOUNT HAREHILLS LEEDS LS9 6HW

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Burmantofts and Richmond Hill	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4.(3) Appendix number: 1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. Section 17 of the Housing Act 1985 gives Local Authorities the power to acquire buildings and land through compulsory purchase for the purpose of providing housing accommodation.
2. The proposed Compulsory Purchase property, 1 Nowell Mount Leeds, is a brick built, end terrace property, of traditional solid wall construction, under a pitched blue slate roof. It was built in the early 20th Century and is located within in the heart of the Harehills area and is currently the subject of proactive enforcement action as part of the Leeds Neighbourhood Approach scheme.
3. The property is in a semi-derelict condition, valued at £40,000, with repair costs estimated to be around £36,000. Properties in a renovated conditions are valued between £70/80k
4. Land Registry records indicate that the present owner obtained ownership on 20th August 2003.
5. Council Tax records indicate that the property has been vacant since 25th November 2009 when the last know tenant vacated the property.

Recommendations

6. This report recommends that the authority seeks to acquire the property 1 Nowell Mount, Harehills, Leeds by means of Compulsory Purchase Order action, as renovation and reoccupation of it is only likely to be achieved through the Council's intervention. Once acquired, the authority will dispose of the property in line with the agreed disposal mechanism for properties obtained through Compulsory Purchase (see Appendix 6).

1 Purpose of this report

- 1.1 This report recommends that the Authority seeks to acquire by Compulsory Purchase Order action under Section 17 of the Housing Act 1985, a residential property, 1 Nowell Mount Leeds LS9 6HW. The property is vacant, vandalised, weather damaged and in a semi-derelict condition.
- 1.2 Once acquired the house will be sold as per the agreed process for disposal of empty properties (Appendix 6)

2 Background information

- 2.1 1 Nowell Mount Leeds LS9 6HW is a brick built, through end terrace house of traditional solid wall construction with a pitched blue slate roof. It was built in the early 20th Century and is located in the Harehills area (See Appendix 2 Plans showing the position of the property in relation to the Harehills Area).
- 2.2 The accommodation comprises 4 storeys, including the attic and a storage cellars. The property comprises of two attic bedrooms on the second floor, two bedrooms and a bathroom on the first floor, a lounge on the ground floor front, and kitchen/dining room on the ground floor rear. There are gardens to the front and rear. The property at present is in a semi-derelict state.
- 2.3 1 Nowell Mount Leeds is located within the Leeds Neighbourhood Approach scheme (LNA) in the Nowells. The LNA was introduced by the Council in Spring 2013 to deal with an area of Leeds that contain a high proportion of privately rented houses and a disproportionate number of empty homes. Such areas typically suffer from high levels of crime, as well as various social, economic and environmental problems. Working proactively and intensively with property owners and landlords; tenants, residents and key partners, including the Police and West Yorkshire Fire and Rescue Service, the Council aims to raise housing standards; help make social, financial and environmental improvements; bring empty homes back into use and ultimately create a strong, stable community. Significant resources have been put into the Nowells by the Council and its partners, resulting in a high proportion of empty homes being brought back into use and private rented housing conditions being vastly improved. However, there are some owners who refuse to cooperate with the Council and allow their property(s) to fall into further deterioration.

3 Main issues

- 3.1 The dwelling has been empty since 25th November 2009 when the last known tenant vacated. Visits made by Council Tax officers since then have confirmed that the property is empty and in need of major renovation works. As well as being a wasted resource the property in its current state represents blight on the area with potential to attract anti social behaviour and to adversely affect community safety as well as having a negative impact on local property prices. The house is positioned in an area where there is a high demand for affordable properties (see appendix 3).
- 3.2 The property is in a semi-derelict condition. The property requires to be reroofed, repointing to external walls, new doors and windows, new rainwater goods and the rebuilding of the boundary wall and yard. A limited internal inspection has confirmed that all new amenities will be required as well as new electrical and heating services. The cost of repairs to bring the property to a habitable standard has been estimated by officers to be around £36,000.
- 3.3 Despite repeated actions taken to encourage the owner to renovate their property, these have proved unsuccessful. The owner has stated their intention to renovate the property and agents were employed to carry out all the necessary works. Unfortunately the owner failed to provide the necessary funds to initiate the works and the agent severed the relationship. The owner has failed to put any other alternative plans in place to return the property into occupation.
- 3.4 The property has been visited on a number of occasions in relation to complaints regarding overgrown gardens, refuse accumulations within the curtilage as well as the property being open to access and causing dampness to the neighbouring property. The owner of 1 Nowell Mount Leeds has been prosecuted for not complying with notices served on them. In June 2013 the company was found guilty by the court and fines were imposed for non-compliance with notices served under the provisions of Prevention of Damage by Pest Act 1949 Section 4 and The Town and Country Planning Act 1990 Section 215. In October 2014 the owner was prosecuted for non-compliance of notices served on them under the Housing Act 2004 Section 241 for not providing access to the property when requested and Building Act 1984 Section 99 for not carrying out the rain water works to the property as requested under Section 59 Building Act 1984.
- 3.5 The options available to the Council are to do nothing or to instigate the Compulsory Purchase procedure.
- 3.6 Officers are of the view that renovation and reoccupation of 1 Nowell Mount Leeds is only likely to be achieved through the Council's intervention, the most appropriate action being to instigate Compulsory Purchase Order Procedures. Doing nothing is likely to result in the further deterioration of conditions at the property, with consequences as detailed in section 4.6.6.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members have been consulted on the proposal. There has been no objection.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality, Diversity, Cohesion and Integration Screening form has been completed and is attached as Appendix 5. This shows that there is not an impact on equality, diversity, cohesion and integration through the actions proposed in this report. There is no existing or likely differential impact for the different equality characteristics, no existing or likely public concerns about the proposal, no likely effect on council activities or employment practices and no likely effect on unlawful discrimination, equality of opportunity, or fostering good relations. A full EDCI Impact Assessment on the work done for the Empty Property Strategy has been completed.

4.3 Council Policies and City Priorities

4.3.1 The action proposed is in line with Council's policy in respect of empty properties and is contributing to the following targets and priority in the Council's Policy Framework work:

- Reducing number of long term empty properties
- Reducing Crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in our communities
- Increase a sense of belonging that builds cohesive and harmonious communities
- Increase affordable homes within sustainable neighbourhood
- Improve quality of the environment
- Improving housing conditions and energy efficiency

4.4 Resources and Value for Money

4.4.1 The current value of this property is £40,000.

4.4.2 The Compulsory Purchase expenditure will be met from Leeds Neighbourhood Approach Funds subject to receiving panel approval.

4.4.3 All monies recovered will be recycled back into the Leeds Neighbourhood Approach Funds for action on future compulsory purchase action by the Council.

4.4.4 The proposals contained in the report do have implications under Section 17 of the Crime and Disorder Act, 1998 in that the compulsory purchase, sale, refurbishment and reoccupation of the property will reduce the incidence of vandalism and anti-social behaviour in the vicinity of Harehills's area.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Council has considered whether the powers it seeks to exercise are compatible with the European Convention of Human Rights, in particular Article 8 (respect for private family life and home) and Article 8 of the first Protocol of the Convention (right to peaceful enjoyment of possession). The recommended decision strikes a clear balance between the public interest in securing the refurbishment and reoccupation of this property and the interference with private rights, which will arise if a Compulsory Purchase Order is made, confirmed and implemented. It has concluded that there is a compelling case in the public interest for the acquisition of the land and property, and that this outweighs the loss that will be suffered by the existing property owners. This Compulsory Purchase Order action follows existing legislative provisions in respect of the making and confirming of a Compulsory Purchase Order and the payment of compensation where applicable, and as such, the Council considers this to be compatible with the Convention.

4.5.2 Scrutiny process is unnecessary under the ruling.

4.5.3 Confidential information is listed in Appendix 1

4.6 Risk Management

4.6.1 The property will be acquired compulsorily and this may be challenged in law.

4.6.2 Once acquired compulsorily the property will be sold to meet the conditions of the Housing Act and as per the agreed process for disposal of empty properties (Appendix 6). The time difference between acquisition and disposal and changing market conditions may affect the value of the property, up or down. The risk could be reduced if the process is implemented promptly.

4.6.3 There is a risk to the Council in not dealing with empty properties, both in the way Central Government assesses our strategic housing performance and in the way residents see the ability of the Council to intervene in the problems that are of concern to them.

4.6.4 Although it is unlikely, the acquired property may, whilst in the Council's possession, fall into such a condition that the Council may have to demolish it. Should this happen, the Council may have to bear the cost of demolition.

4.6.5 It is unlikely that the new property purchaser, whether the Council, Registered Provider, the third sector or a private individual, would fail to bring the property back into use as per contractual agreement. Should this Provider/person fail to carry out the works within a specified time, the Council may have to re-purchase the property with a view to re-selling.

4.6.6 Consequences of not going ahead with this scheme:

- Risk to local community safety due to potentially dangerous property.
- Decrease in market value of surrounding housing stock.
- Increasing incidents of vandalism.

- Adverse publicity due to property attracting crime and other anti-social behaviour such as illegal dumping of refuse and drug taking.
- Loss of local community confidence.
- Delay to regeneration and economic development project in the Harehills area.
- Failure to meet departmental objectives in which the council aims to work together with key partners to improve conditions in which people live and strive towards neighbourhoods that are clean, safe, well maintained and sustainable for the future.
- Further reduction in affordable housing within the Harehills area.

5 Conclusions

- 5.1 1 Nowell Mount Leeds, has been vacant since 25th November 2009, has been vandalised, weather damaged, and is now in a semi-derelict condition.
- 5.2 The property is located in the LNA of the Nowells area. This area has been proactively targeted by the Council and partners with public and private finances have been invested in properties and environmental improvements. It is essential that confidence in the area is maintained to encourage continuing investment and maintain the stability of the community. The existence of a dilapidated long term vacant property such as this can have a significant detrimental effect.
- 5.3 The current owner of the property is not renovating the premises. Enforced Sale Procedure has been considered but as there is no outstanding debt this is not an option. The alternative to Compulsory Purchase Order action appears to be to leave the property to deteriorate further. It is clear that to do nothing is unacceptable.
- 5.4 In the opinion of officers renovation and reoccupation of the property is only likely to be achieved through the Council's intervention, the most appropriate action being to instigate Compulsory Purchase Order Procedures.
- 5.5 The Compulsory Purchase expenditure will be met from Leeds Neighbourhood Approach Funds subject to receiving panel approval.

6 Recommendations

The Director of Environment and Housing is recommended to:-

- 6.1 Instruct officers to instigate Compulsory Purchase Order action under the provisions of Part II and Section 17 of the Housing Act 1985 against the premises known as 1 Nowell Mount Harehills Leeds LS9 6HW.
- 6.2 Subject to the confirmation of the order. The property will be disposed of in line with the previously agreed disposal mechanism for properties obtained through Compulsory Purchase (Appendix 6).

- 6.3 Authorise the allocation of funds from the Leeds Neighbourhood Funds to meet any claims by the title holder of the property that may arise subsequently.
- 6.4 Authorise the City Solicitor to prepare a Compulsory Purchase Order under the provisions of Part II and Section 17 of the Housing Act 1985, and that the Common Seal of the Council be affixed thereto and to the Order Map and that the City Solicitor, be further authorised to make application to the Department of Communities and Local Government for confirmation of the Order.

7 Background documents

- Appendix 1 Confidential information
- Appendix 2 Plan to show the position of the property in relation to the Harehills Area
- Appendix 3 Number of applications on the Leeds Homes Register
- Appendix 4 Photographs of subject property
- Appendix 5 Equality, Diversity, Cohesion and Integration Screening form
- Appendix 6 Disposal process for long term empty private sector properties
- Appendix 7 Delegated Decision Notifications